

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Harry W McGee v Department of Corrections**  
Docket No. **280960**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The complaint for a writ of habeas corpus is DISMISSED for lack of jurisdiction since plaintiff failed to obtain an order denying a complaint for a writ of habeas corpus from the circuit court for the county in which he is incarcerated. MCR 3.303(A)(2). Even if the circuit court in question had refused to issue the writ, plaintiff is improperly using the complaint as a substitute for an appeal. MCL 600.4310(3). See also *Cross v Department of Corrections*, 103 Mich App 409, 414-415; 303 NW2d 218 (1981).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 30 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk